

Below copy of Circular No. EXD-1076/1.1, dated 12th
1976 regarding framing of Departmental examination rules
under article 309 of the Constitution of India.

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In Government Endorsement General Administration Department No. TRG-2865-T, dated the 8th December, 1971, instructions were issued to all the Secretariat Departments to follow the procedure laid down by the Law and Judiciary Department in its opinion, No. 22001-B, dated the 31st August, 1971, while finalising the Departmental Examination Rules. Before these instructions were issued, a number of the Departmental Examination Rules had been finalised by the Secretariat Departments by issue of executive instructions. Such rules were required to be re-issued after following the correct procedure, with a view to bringing them under the category of the statutory rules under Article 309 of the Constitution of India. For the purpose of re-issuing of such rules, a point has now been raised as to whether retrospective effect could be given to them from the date on which they were issued earlier. Government is pleased to clarify that the power conferred on the Governor by the proviso to Article 309 of the Constitution of India being a legislative power, it can be exercised retrospectively and that a provision in the rules for giving retrospective effect to the rules to be made in the rules. ||

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No. ERG-2876-T,
General Administration Department.
Administrative Staff College
Government of Maharashtra,
Hazarimal Somani Marg,
Bombay - 400 001.
Dated : 17th April, 1976.

Forwarded with compliments for information and guidance to all heads of Department with reference to this office endorsement No. TRG-2865-T, dated 8th December, 1971.

Copy forwarded for information to all departments of the Secretariat.

Sd/-

(S. V. Sathe)

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Under Secretary to the Government of Maharashtra,
General Administration Department.

Encl :